

JOHN TSOUKARISDISTRICT OF NEW JERSEY

AMIRAN D.,

Petitioner,

v.

JOHN TSOUKARIS, et. al,

Respondents.

Civil Action No. 20-6608 (MCA)

ORDER

This matter having been opened to the Court by the filing of a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (“Petition”) (ECF No. 1) and Petitioner’s Motion for a Temporary Restraining Order (ECF No.) seeking an Order requiring Respondents to release Petitioner on his own recognizance on reasonable conditions from immigration detention, pending further proceedings before this Court. The Court has reviewed the submissions and sets an expedited briefing schedule below.

IT IS, THEREFORE, on this 8th day of June 2020,

ORDERED that, in accordance with Rule 4 of the Rules Governing Section 2254 Cases, applicable to § 2241 cases through Rule 1(b), this Court has examined the Petition and determined that dismissal of Petitioner’s challenge to detention prior to submission of an answer and the record is not warranted; and it is further

ORDERED that the Clerk of the Court shall serve copies of the Petition and this Order upon the Warden of ECCF by regular mail, with all costs of service advanced by the United States; and it is further

ORDERED that the Clerk of the Court shall forward a copy of the Petition and this Order to Chief, Civil Division, United States Attorney's Office, at the following email address: USANJ-HabeasCases@usdoj.gov; and it is further

ORDERED that Respondent shall electronically file a full Answer to the Petition and Motion, which responds to the factual and legal allegations therein within 3 days of the Date of this Order; and it is further

ORDERED that the answer shall state the statutory authority for the Petitioner's detention, *see* 28 U.S.C. § 2243, and provide the relevant legal analysis and record; and it is further

ORDERED that Respondent shall raise by way of the answer any appropriate defenses which Respondent wishes to have the Court consider, including, but not limited to, exhaustion of administrative remedies, and also including, with respect to the asserted defenses, relevant legal arguments with citations to appropriate legal authority; and it is further

ORDERED that, if practicable, Respondent shall electronically file with the answer certified copies of the administrative record and all other documents relevant to Petitioner's claims;¹ and it is further

ORDERED that all exhibits to the Answer must be identified by a descriptive name in the electronic filing entry, for example:

"Exhibit #1 Transcript of [type of proceeding] held on XX/XX/XXXX" or

"Exhibit #2 Opinion entered on XX/XX/XXXX by Judge YYYY"; and it is further

¹ The government is free to file a declaration stating the basis of Petitioner's detention and the source of that information if it is unable to obtain the relevant documents within the timeframe provided by the Court.

ORDERED that Petitioners may file a Reply within 2 days after Respondents file their Answer;² and it is further

ORDERED that the Reply shall include a declaration from counsel or a person with knowledge, providing proposed conditions for Petitioner's release should the Court order his release, including the address where Petitioner will reside and the names of all persons with whom Petitioner will reside;³ the Reply shall also address whether the safety of the public and Petitioner's safety may be ensured through the proposed conditions of release; and it is further

ORDERED that Respondents may submit a letter response to Petitioner's proposed conditions of release and living arrangements and may propose additional conditions within 24 hours of the filing of Petitioner's Reply;⁴ and it is further

ORDERED that, within 7 days after any change in Petitioners' custody or immigration status (be it release or otherwise) at any time during the pendency of this case, Respondents shall electronically file a written notice of the same with the Clerk of the Court.



—
Madeline Cox Arleo, District Judge
United States District Court

² To the extent the Court is unable to decide the issues on the papers, the Court will schedule a telephone hearing.

³ This certification shall be filed under seal or sent via email if it contains confidential information.

⁴ This letter response shall be filed under seal or sent via email if it contains confidential information.